

10603

SETTLEMENT AGREEMENT

This Settlement Agreement is made this 15th day of November, 1994, by and between International Pizza, Inc. (the "Applicant"), a Delaware corporation having principal offices at 520 Broadway, Suite 350, Santa Monica, California 90401, the Citizens Association of Georgetown (the "CAG"), a District of Columbia not-for-profit corporation having its principal office at 3222 N Street, N.W., Washington, D.C. 20007 and Advisory Neighborhood Commission 2E (the "ANC"), a District of Columbia governmental entity.

WITNESSETH

WHEREAS, the Applicant proposes to operate a restaurant to be known as Louise's Trattoria (the "Establishment") and to be located at 3280-3284 M Street, N.W., Washington, D.C. 20007; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") is the Applicant's Application Number 10603 (the "Application") for a District of Columbia Class CR Alcoholic Beverage License (the "ABC License") for the Establishment; and

WHEREAS, the CAG and the ANC have protested the Application (Case No 10603-95008); and

WHEREAS, the parties to this Settlement Agreement desire to resolve the protest in the manner hereinafter provided;

NOW, THEREFORE, in consideration of the premises recited above and the covenants and promises set forth below, the parties agree as follows:

1. Nature of Operation. The Applicant shall operate the Establishment as a bona fide restaurant in accordance with the laws of the District of Columbia and the provisions of this Settlement Agreement. In explanation, but not limitation, of the meaning and the intention of the foregoing sentence, the Establishment may maintain and operate a bar with no more than 15 bar stools; provided that food service shall be provided at the bar at all times.

2. Hours of Operation and Food Service. The Applicant will operate the Establishment in such a manner that the Establishment's hours of operation will be from 11:00 am until 1:00 am from Sunday through Thursday and from 11:00 am until 2:00 am on Friday and Saturday. Applicant will cause the Establishment to keep its kitchen open until closing time and will serve food until closing time.

3. Entertainment and Dancing. Applicant will not present any form of live entertainment in the Establishment and will not present any recorded music in the Establishment other than background music for dining. The Applicant will take all reasonable steps to assure that no music will be audible outside the Establishment. The Applicant will not permit any form of dancing in the Establishment.

4. Employee Qualification. The Applicant will not employ waitpersons under the age of 18 years nor will the Applicant employ bartenders and general managers under the age of 21 years. Prior to the employment of any such persons, the Applicant will obtain from the employees the documentation required by the District of Columbia law and regulations for proof of age. The Applicant will require that all persons employed as either waitpersons, bartenders, or managers have successfully completed either the TIPS program or another training course certified by the ABC Board.

5. Entertainment Devices. The Applicant will not permit any form of entertainment device to be installed on the premises of the Establishment. The term "entertainment device" as used in this Settlement Agreement shall mean any equipment for the showing of video tapes, any juke boxes or other device for the playing of music by the customers of the Establishment, any device or machine for the playing of video games, or any device or machine designed or intended to be used for the entertainment of the customers of the Establishment in any manner other than dining.

6. Happy Hours. The Applicant will not have any "happy hours." The Applicant will not have any other practices that are intended to promote the consumption of alcoholic beverages without also promoting dining at the Establishment.

7. Capacity. The Applicant will limit the Certificate of Occupancy of the Establishment to 99 persons.

8. Trash and Litter. The Applicant will comply with all aspects of the Civil Infractions Act and the Litter Control Act. The Applicant hereby consents to either the CAG or the ANC referring any alleged violation of this Section 8 or the statutes referred to in this Section 8 to the appropriate agency of the District of Columbia.

9. Food Percentage. The Applicant will operate the Establishment in such a manner that the Establishment will derive not less than 45% of its gross receipts from the sale of food.

10. Changes in Operations. The Applicant shall not make any "substantial changes" (as defined in Section 505.3 of the ABC Board regulations) without the prior written approval of the ANC and the CAG.

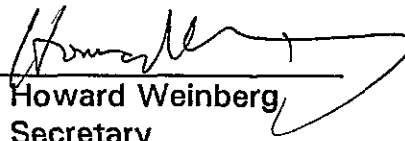
11. Conditions of License. The Applicant will adhere to the conditions of the license for the Establishment. The provisions of this Settlement Agreement shall become part of the conditions of the license. Any material failure of the Applicant to adhere to the provisions of this Settlement Agreement shall constitute grounds for the ANC and the CAG to petition the ABC Board for issuance to show cause pursuant to 23 DCMR Section 1513.5.

12. Withdrawal of Protests. The CAG and the ANC hereby withdraw their protests to the Application and each of them shall provide whatever further evidence of said withdrawals as may be required by the ABC Board.

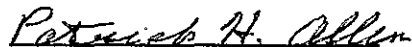
13. Binding Effect. This Settlement Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant and the ANC and the CAG during the term of the license to which this Settlement Agreement applies.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as of the day and year first above written.

INTERNATIONAL PIZZA, INC.

By: 
Howard Weinberg
Secretary

THE CITIZENS ASSOCIATION OF GEORGETOWN

By: 
Patrick H. Allen
Chairman, ABC Committee

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: 
Oscar Turner
Chairman

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

International Pizza, Inc.
t/a Louise's Trattoria
Application for a Retailer's
License Class "CR" - transfer
at premises
3280-3284 M Street, N.W.
Washington, D.C.

Case No. 10603-95008P

Oscar Turner, Chair, on behalf of Advisory Neighborhood Commission 2E,
Protestant

Patrick H. Allen, Chair, ABC Committee, on behalf of the Citizens
Association of Georgetown

Dimitri P. Mallios, Esquire, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on November 2, 1994, in accordance with D.C. Code Section 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Mr. Oscar Turner, Chair, on behalf of Advisory Neighborhood Commission 2E, and Mr. Patrick H. Allen, Chair, ABC Committee, on behalf of the Citizens Association of Georgetown, filed timely protest letters dated October 13, 1994 and October 18, 1994, respectively.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestants have agreed to withdraw the protests provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement dated November 1, 1994.

International Pizza, Inc.
t/a Louise's Trattoria
Page two

Accordingly, it is this 30th day of November, 1994,
ORDERED that:

1. The protests of Oscar Turner, Chair, on behalf of Advisory Neighborhood Commission 2E, and Patrick H. Allen, Chair, ABC Committee, on behalf of the Citizens Association of Georgetown, be, and the same hereby, are WITHDRAWN;

2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;

3. The application of International Pizza, Inc. t/a Louise's Trattoria for a retailer's license class CR - transfer at premises 3280-3284 M Street, N.W., be, and the same hereby, is GRANTED; and,

4. Copies of this Order shall be sent to the Protestants and the Attorney for the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eva Candor
Mary Eva Candor, Esquire
Chairman

James C. Jefferson
James C. Jefferson,
Member

James L. O'Dea, III
James L. O'Dea, III, Esquire
Member

Barbara L. Smith
Barbara L. Smith, Esquire
Member